



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 5177-98

25 August 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 24 August 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The record shows that you reenlisted in the Navy on 10 December 1994. At that time you had completed almost six years of active service on a prior enlistment. On 16 May 1998 a physical evaluation board (PEB) found that you suffered from lumbago which existed prior to your entry into the Navy, and directed your discharge. Subsequently, you were honorably discharged. The DD Form 214 is not filed in your record but it appears that you were discharged on or about 7 June 1995. At the time of your discharge you were assigned an RE-3P reenlistment code.

Regulations require the assignment of an RE-3P reenlistment code when an individual is discharged due to a diagnosed physical disability. Since you have been treated no differently than others discharged for that reason, the Board could not find an error or injustice in the assignment of the RE-3P reenlistment code. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

Recruiting authorities may waive an RE-3P reenlistment code and authorize enlistment. However, you would have to convince the doctors that the physical condition no longer exists.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director